

**LOUISVILLE METRO COUNCIL MEETING  
REGULAR MEETING  
APRIL 27, 2010  
4:00 PM  
METRO COUNCIL CHAMBERS**

**CALL TO ORDER:** President Owen called the **April 27, 2010** Regular Meeting of the Louisville Metro Council to order at 4:07 PM. He asked all to rise and join him in the Pledge of Allegiance to the Flag.

**ROLL CALL:**

JUDY GREEN: PRESENT  
BARBARA SHANKLIN: PRESENT  
MARY WOOLRIDGE: PRESENT  
DAVID TANDY: PRESENT@410pm  
CHERI BRYANT HAMILTON: PRESENT  
GEORGE UNSELD: PRESENT  
KEN FLEMING: PRESENT  
PRESIDENT TOM OWEN: PRESENT  
TINA WARD-PUGH: PRESENT  
JIM KING: PRESENT  
KEVIN KRAMER: PRESENT  
RICK BLACKWELL: PRESENT  
VICKI WELCH: PRESENT  
BOB HENDERSON: PRESENT  
MARIANNE BUTLER: PRESENT@4:10pm  
KELLY DOWNARD: PRESENT  
GLEN STUCKEL: PRESENT  
JON ACKERSON: PRESENT  
HAL HEINER: PRESENT  
STUART BENSON: PRESENT  
DAN JOHNSON: EXCUSED ABSENCE  
ROBIN ENGEL: PRESENT  
JAMES PEDEN: PRESENT  
MADONNA FLOOD: PRESENT  
DOUG HAWKINS: PRESENT  
BRENT ACKERSON: PRESENT@4:15PM

CLERK: There are 25 members present establishing a quorum.

PRESIDENT OWEN: Madam Clerk, please cause the record to reflect that CM Johnson has an excused absence.

CLERK: So noted.

**ADDRESSES TO COUNCIL:**

PRESIDENT OWEN: Madam Clerk, do we have any addresses to Council.

CLERK: Yes, sir.

***Becky Ricketts-Senior Care Experts***

***Dan Fox – Child Abuse Prevention Month***

***David Cobb – Louisville Goodwill Industries Construction***

***James White – Minority Participation on arena project***

CLERK: That concludes the addresses to council, Mr. President.

PRESIDENT OWEN: Thank you.

**INTRODUCTION OF PAGES:**

PRESIDENT OWEN: Thank you, Madam Clerk.

Councilman Benson, please introduce your page.

COUNCILMAN BENSON: Thank you, Mr. President.

I do. Asher stand up. This is my grandson, Asher Linn.

He's a fourth grader at Greathouse Elementary School.

He plays all sports. He's a great basketball player and a baseball pitcher.

He's even a pretty good fisherman. One thing I want to say about my grandson is that one of the things you can't really tell about character. When we want to do something and we need help, even if it's around his own house we say: Asher, we need your help, he jumps in and helps. He doesn't say: Why me?

He's just a great kid about helping out.

But one of the neatest things I've watched about him is when he's around other kids and somebody starts picking on other kids, he defends them. He doesn't let people bully people.

And to me that's a neat characteristic that sometimes people look at grades or whatever.

It's what's in your heart. And he's just a great kid. And I'm really proud of him.

I would like ya'll to give him a warm welcome for being here.

PRESIDENT OWEN: Thank you, Councilman Benson. And welcome Mr. Linn.

**GUESTS:**

PRESIDENT OWEN: Mr. King, would you want to introduce your guest, please?

COUNCILMAN KING: I think there's about a four or five second delay in that TV now.

It unnerves me, as well. That's great. Was your name Asher?

Asher? I have some stuff to do around my house, would you come over and help me?

Great. I appreciate that. Stuart you should be really proud.

Wanda Mitchell Smith, Charlie Clephas, and George Boyd. They are with me today. And thank you for this opportunity. I'm honored to stand with representatives of organized labor both from the private and public sector. Tomorrow throughout the United States we will observe Workers Memorial Day, a day we set aside to remember those workers who were hurt or killed on the job and also a day to renew our struggle for safe work places. Each and every day in this country an average of 14 workers die on the job as a result of workplace injuries. Men and women who go to work but never return home to their families or loved ones. We were sorely reminded of this just a couple of weeks ago when 29 miners were killed while working at the Massey Upper Big Branch Coal Mine in West Virginia. Our prayers and thoughts are with those families and workers who lost their lives. Safe jobs are good jobs. We recommit ourselves to provide a quality workplace for all workers today and every day. We mourn for the dead but fight for the

living. And the proclamation I have here I'm going to present is to our workers. And it says:

*To all whom these letters shall come, greetings. Know ye that the Louisville Metro Council hereby issues a proclamation for Workers Memorial Day. Whereas Workers Memorial Day honors and remembers those who have suffered and died on the job. And whereas it renews our fight for safe workplaces. And whereas Louisville workers deserve safe and good jobs. And every day we mourn for the dead but fight for the living. Be it resolved April 28th, 2010 is hereby declared as Workers Memorial Workday in Louisville, Kentucky.*

Thank you very much.

WANDA MITCHELL SMITH: Good evening. Thank you for allowing us the opportunity to be here tonight. There's nothing more important than staying safe on the job. Our lives depend on it.

That's why as an AFSCME member we have access to some of the best safety resources available. Training programs and technical assistance emphasize strategies that involve workers and staff in identifying and solving workplace problems.

AFSCME has also played a leading role in winning job safety rights to protect workers from asbestos infectious diseases such as HIV/AIDS and other hazards.

Workers Memorial Day on April 28th, AFSCME and other unions will observe throughout the Commonwealth will remember those who have suffered and died on the job and to renew the fight for safe workplaces.

Tomorrow at 11:30 a.m. AFSCME will observe Workers Memorial Day at the L & N Building located at 9th and Broadway. And we extend the invitation for each of you to join us as we commemorate and honor this day. Thank you so much.

CHARLIE CLEPHAS: I want to thank all of you and especially you, Councilman King, for this honor. And really of course tomorrow is Workers Memorial Day. And I know we have different -- not a celebration -- but you know throughout the state.

And I know Bill Lundgren is with the mine workers. Because of West Virginia they are having one and the mine workers here in Kentucky.

Of course, I'm president of Greater Louisville Central Labor Council. And I was financial secretary/treasurer of the pipe fitters Union. And some of my members don't realize that I really worked for a living at one time. For 25 years I worked in construction and as a pipe fitter welder.

During that time I've seen two of my colleagues pass away. Accidents on the job. Bill Warren was one of them. Had a young boy. And I was at the funeral home. A young child like seven, eight years old at the time. Also Bob Mohler which passed away this year was one of my business agents with me in the local. And he also was a pipe fitter and he died with asbestos with mesothelioma cancer from asbestos.

A lot of you in Kentucky hear of black lung but hear very little of white lung, which is asbestos. And pipe fitters and insulators are known to have it. So this is very close to my heart.

And also not only that, Bob's brother passed away -- was killed on the job, too, in Bowling Green of Western Kentucky. His younger brother.

And he was in his 30s.

He was crushed by a vessel that we were setting there.

So other than Kentucky, usually construction is the most dangerous work.

The trade is construction work.

And in Kentucky of course coal miners would override the construction workers.

But most states construction is. So it's very close to my heart.

And I appreciate ya'll remembering Memorial Day. And we need to remember our workers and our people and also some of the companies that probably knew things in the past or knew things before but didn't say anything to our workers to cover themselves and protect themselves in occupational hazards that we have on the job. So I appreciate you recognizing our members and our past members.

Thank you.

COUNCILMAN KING: Thank you. Thank you, all. Thank you, all, very much.

PRESIDENT OWEN: Thank you, Councilman King.

Councilwoman Green, you have a guest?

COUNCILWOMAN GREEN: Thank you, Mr. President.

You all know, my colleagues that I love to honor people.

I love to pay homage to folks that -- where they can smell the roses while they live. Tonight is no exception. I've brought before you my good friend, a city employee who has retired, by the name of Woody Miller. You know, last year, I think we had a big discussion about whether or not the administrators at the Neighborhood Places were needed or not.

Well, I think we all understand and knew that the administrators were valuable and much needed.

My Neighborhood Place administrator, Mr. Woody Miller, is someone that's been very special to the greater Cane Run Road area. Woody is a man that's worked tirelessly. He's dedicated his life to helping families in the Cane Run Road area. He's poured his heart and soul into that area.

Whether it's making sure children have food to eat. Families have clothing.

Whether or not he's overseeing families being able to get their benefits like food stamps. And there was even a program out there with foster care where the families could come and visit with their children if they were in foster care.

I know this for a fact that this Neighborhood Place was one of the most welcoming places in this city because I often frequented the Greater Cane Run Road Neighborhood Place because of my involvement with Home of the Innocents Foster Care Program. One of my own children went there on a weekly basis to visit his mom.

And when you go in, you're welcome with a smile from the receptionist all the way back to the social worker. Now, some people may think that's not important.

But this happens because of the leadership, the dynamic leadership of the administrator.

And that administrator was Mr. Woody Miller.

You know when families would come into the Neighborhood Place. They were not looked down upon.

They were not dismissed as being low income. They were welcomed. And for that, I am really proud.

And I'm happy that Mr. Miller was there to oversee and to make sure the atmosphere at Neighborhood Place was such as that.

Now, Woody has been at the Neighborhood Place for 13 years. He's been in the social service field for some 25 years. And he previously had worked with the American Red Cross.

He's married to Jean Miller. They have two grown children, David and Sarah and two grandchildren, Lily and Katherine. Mr. Miller, I want to say thank you for your service. Thank you for what you meant to the Greater Cane Run Road area. Thank you for your time that you invested in that area.

And thank you for your spirit of service. I won't read this entire plaque. It says the same thing that all of the other ones say. But I am congratulating Mr. Miller on his retirement from the Greater Cane Run Road neighborhood house and on 13 years of dynamic, energetic service to the Cane Run Road area.

Thank you, Mr. President and thank you, Woody.

WOODY MILLER: Thank you for this honor. I'm very humbled by this. I want to thank each of you for allowing me to have my last year of service as an administrator because it meant I could retire with full health care benefits and I really appreciate you recognizing the value of administrators and trying to shepherd the partners that are part of Neighborhood Place to work together.

I hope Neighborhood Place is an integral part of Government for many years to come.

And that all of you will hold a special place in your heart for Neighborhood Place.

We have won many accolades at Neighborhood Place.

And that's because of dedicated workers who do work together across agencies to meet people's needs.

And the needs are tremendous. We are recognized -- one of our greatest recognitions is the fact that Neighborhood Place is being replicated as we speak in Louisiana.

They have opened three Neighborhood Places. They are going to open another one in New Orleans.

It's going to be the Mahalia Jackson Center. And it will be a landmark opportunity. So we are humbled that they even called their collaboration Neighborhood Place. And that they followed in our footsteps.

Sometimes the recognition comes outside of our community for how unique Neighborhood Place is.

And we wish that more so here locally that people would recognize the value.

But I know Councilwoman Green does as does Rick Blackwell and Mary Woolridge as we serve your constituents, as well. And thank you, again, for this honor. And I will be smelling roses because I'm working now at Plant Kingdom. So thank you very much.

PRESIDENT OWEN: Thank you, Councilwoman.

Councilwoman Shanklin, you wish to be recognized.

COUNCILWOMAN SHANKLIN: Yes I would like a point of personal privilege and most of you know I don't say very much. I just sit here and listen.

But last year when our Community Affairs was Minority Affairs, I just want to make a point that one of our speakers said that we had not worked with them. But as the chair of the Minority Affairs at that particular time, I met with Mr. White. And I also met with Anthony Mathis which is over the arena and working with the arena. And we did everything we could to get them all together. So in all fairness and for the viewing public, I want people to know that the Metro Council did work with them. We met our quota which was 20% .As a matter of fact, we went over that. So you know sometimes when you just hear one side you think something totally different. And I'm willing to step out there and say I met with them. And I met with

the arena group. And we did everything we could to make it work. And I won't go into any personal business. But if it didn't work, it wasn't because of the Metro Council. Thank you.

### **COUNCIL MINUTES:**

PRESIDENT OWEN: Next we have approval of minutes for the Council meeting of April 15th, 2010. Are there any corrections or deletions?

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN DOWNARD: Second.

PRESIDENT OWEN: And the minutes have been properly moved and seconded.

All those in favor signify by saying aye.

ALL PRESENT: AYE

PRESIDENT OWEN: Opposed?

The ayes have it.

**These minutes are approved as written.**

### **COMMITTEE MINUTES**

PRESIDENT OWEN: Next we have the approval of the following committee minutes. All are regular meetings and in 2010, and in the year 2010 unless I state otherwise.

[\*Regular: Appropriations, NDFs and CIFs - April 22, 2010\*](#)

[\*Regular: Budget-April 20, 2010\*](#)

[\*Regular: Committee of the Whole - April 15, 2010\*](#)

[\*Regular: Community Affairs-April 21, 2010\*](#)

[\*Regular: Contracts and Appointments-April 20, 2010\*](#)

[\*Regular: Energy and Environment - April 15 2010\*](#)

[\*Regular: Government Accountability and Oversight - March 24, 2010\*](#)

[\*Regular: Government Accountability & Oversight - April 14, 2010\*](#)

[\*Regular: Health and Human Needs-April 21, 2010\*](#)

[\*Special: Labor & Economic Development - April 19, 2010\*](#)

[\*Regular: Planning/Zoning, Land Design & Development-April 20, 2010\*](#)

[\*Regular: Public Safety-April 21, 2010\*](#)

[\*Regular: Transportation/Public Works- April 21, 2010\*](#)

Are there any corrections or deletions?

PRESIDENT OWEN: May I have a motion and second for approval?  
 COUNCILMAN DOWNARD: Motion to approve.  
 COUNCILMAN PEDEN: Second.  
 PRESIDENT OWEN: The minutes have been properly moved and seconded.  
 All those in favor signify by saying aye.  
 ALL PRESENT: AYE

PRESIDENT OWEN: Are there any opposed?  
 The ayes have it.

**These minutes are approved as written.**

**COMMUNICATIONS FROM THE MAYOR:**

Next item of business are communications from the Mayor.  
 Madam Clerk, a reading of those items, please.

April 23, 2010

Mr. Tom Owen, President  
 Metro Council  
 601 West Jefferson Street  
 Louisville, KY 40202

Dear President Owen:

In accordance with the Neighborhood Plan Ordinance, I am appointing the following to the  
**Bardstown Road/I-265 Regional Center Planning Group.**

<b>Name</b>	<b>Term</b>
Charles M. Schmidt, Jr. New Appointment	n/a
Jean Ellen Henle New Appointment	n/a
Carmen K. Ellington New Appointment	n/a
David Edward Toborowsky New Appointment	n/a
Mark Alan Bush New Appointment	n/a
Roger L. Roalofs New Appointment	n/a

Council approval of these appointments is not required.

Sincerely,

*/S/ Jerry E. Abramson*

Jerry E. Abramson  
 Mayor

JEA/raw

cc: Councilman Stuart Benson  
 e-copy to MCC

April 23, 2010

Mr. Tom Owen, President  
 Metro Council  
 601 West Jefferson Street  
 Louisville, KY 40202

Dear President Owen:

In accordance with the Articles of Incorporation of the Louisville Arena Authority, Inc., and KRS 67C.105, I am re-appointing Larry Hayes to the **Louisville Arena Authority, Inc.** This term shall expire on January 9, 2014.

Metro Council approval of this appointment is not required.

Sincerely,

*/s/ Jerry E. Abramson*

Jerry E. Abramson  
 Mayor

JEA/raw

cc: Councilman Stuart Benson  
 e-copy to MCC

PRESIDENT OWEN: Thank you Madam Clerk. These items are referred to the Contracts and Appointments Committee for consideration.

**CONSENT CALENDAR:**

PRESIDENT OWEN: The next item of business is the Consent Calendar. The Consent Calendar comprises Items 18-38. Are there any additions or deletions? Madam Clerk, a second reading of those items.

**Consent Calendar:**

18- [R-99-04-10 A RESOLUTION DETERMINING ONE \(1\) VACANT PARCEL OF REAL PROPERTY LOCATED AT PETERSBURG ROAD AT ELLINGTON AVENUE OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT \("METRO GOVERNMENT"\) AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS TRANSFER.](#)

<b>Status:</b>	On Council Agenda - Consent Calendar
<b>Committee:</b>	Labor & Economic Development
<b>Primary Sponsor:</b>	Barbara Shanklin

19- [R-95-04-10 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT AND ENACT A GRANT FROM THE US ENVIRONMENTAL PROTECTION AGENCY \(EPA\), RELATING TO THE AMERICAN RECOVERY AND REINVESTMENT ACT \(ARRA\), IN THE AMOUNT OF \\$2,000,000 FOR THE SMARTWAY PROGRAM TO BE USED BY THE LOUISVILLE METRO ECONOMIC DEVELOPMENT](#)



DEPARTMENT TO ESTABLISH A REVOLVING LOAN FUND FOR NON-ROAD DIESEL EQUIPMENT RETROFITS, REPOWERS AND REPLACEMENTS.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Labor & Economic Development  
**Primary Sponsor:** Mary C. Woolridge

20- O-75-04-10 AN ORDINANCE AMENDING ORDINANCE NO. 172, SERIES 2008 IN ORDER TO EFFECTUATE THE ISSUANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT INDUSTRIAL REVENUE BONDS, SERIES B; AND TAKING OTHER RELATED ACTIONS.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Labor & Economic Development  
**Primary Sponsor:** Marianne Butler

21- R-77-03-10 A RESOLUTION APPROVING TWO (2) FORGIVABLE LOANS TO NEW DIRECTIONS HOUSING CORPORATION -NDHC- FOR THE REHAB OF APARTMENT UNITS AND A FORGIVABLE LOAN TO DOWNTOWN SCHOLAR HOUSE, LLLP -SCHOLAR HOUSE- FOR THE REHAB AND NEW CONSTRUCTION OF APARTMENT UNITS PURSUANT TO ORDINANCE NO. 54, SERIES 2009.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Labor & Economic Development  
**Primary Sponsor:** David Tandy

22- AP042010JM APPOINTMENT OF JAMES M. ROBERTSON, II TO THE ANCHORAGE FIRE PROTECTION DISTRICT BOARD. TERM EXPIRES JUNE 30, 2013.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Contracts and Appointments

23- AP042010AG APPOINTMENT OF MR. AARON GIVHAN TO THE CHEROKEE TRIANGLE ARCHITECTURAL REVIEW COMMITTEE. INDEFINITE TERM.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Contracts and Appointments

24- AP042010JW APPOINTMENT OF MR. JOHN WARMACK TO THE CHEROKEE TRIANGLE ARCHITECTURAL REVIEW COMMITTEE. INDEFINITE TERM.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Contracts and Appointments

25- R-97-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – ATI ENVIRONMENTAL SERVICES, INC. – HOUSING & FAMILY SERVICES - \$41,700.00.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Contracts and Appointments  
**Primary Sponsor:** Judy Green

26- [R-100-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – \(THE CENTER FOR ACCESSIBLE LIVING, INC. - \\$25,000.00\).](#)

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Contracts and Appointments  
**Primary Sponsor:** Vicki Aubrey Welch

27- [R-106-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – PHILIP TAMPLIN D/B/A TAMPLIN & CO. - \\$25,000.00.](#)

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Contracts and Appointments  
**Primary Sponsor:** Robert Henderson

28- [R-101-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT ECONOMIC DEVELOPMENT DEPARTMENT – THE CORRADINO GROUP, INC. - \\$100,000.00.](#)

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Contracts and Appointments  
**Primary Sponsor:** Marianne Butler

29- [R-102-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT ECONOMIC DEVELOPMENT DEPARTMENT – SABAK, WILSON & LINGO, INC. - \\$100,000.00.](#)

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Contracts and Appointments  
**Primary Sponsor:** Marianne Butler

30- [O-53-03-10 AN ORDINANCE AMENDING ORDINANCE NO. 112 SERIES 2006, ORDINANCE NO. 126, SERIES 2007, AND ORDINANCE NO. 90, SERIES 2009, RELATING TO THE CAPITAL BUDGETS FOR FISCAL YEARS 2006-07, 2007-8, AND 2009-10, RESPECTIVELY, FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT BY TRANSFERRING \\$20,861.52 OF CAPITAL CUMULATIVE RESERVE FUNDS \(CAPITAL INFRASTRUCTURE FUND\), TO A NEW CAPITAL PROJECT ENTITLED WESTPORT ROAD TARC IMPROVEMENTS AND \\$3,481.16 TO AN INFRASTRUCTURE PROJECT IN DISTRICT 17.](#)

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Budget  
**Primary Sponsor:** Glen Stuckel

31- [R-96-04-10 A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT AND ENACT A GRANT FROM THE US ENVIRONMENTAL PROTECTION AGENCY \(EPA\) DIESEL EMISSIONS REDUCTION NATIONAL PROGRAM \(DERA\) IN THE AMOUNT OF \\$1,164,766 TO BE](#)

USED THROUGH THE LOUISVILLE METRO GOVERNMENT AIR POLLUTION CONTROL DISTRICT (APCD).

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Public Safety  
**Primary Sponsor:** Mary C. Woolridge

32- R-93-04-10 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT FUNDING FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THROUGH METRO UNITED WAY, IN THE AMOUNT OF \$215,894 FOR THE EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM TO BE USED BY THE DEPARTMENT OF HOUSING AND FAMILY SERVICES.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Health & Human Needs  
**Primary Sponsor:** Judy Green

33- R-94-04-10 A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ENTERING INTO AN AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET CONCERNING A \$300,000.00 GRANT FOR A US 42 IMPROVEMENT PROJECT.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Transportation/Public Works  
**Primary Sponsor:** Kenneth C. Fleming

34- O-74-04-10 AN ORDINANCE APPROPRIATING \$10,000 FROM THE DISTRICT 1 NEIGHBORHOOD DEVELOPMENT FUND, TO METRO PARKS DEPARTMENT FOR ACTIVITIES AND COMMUNITY EVENTS IN DISTRICT 1.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** Judy Green

35- O-77-04-10 AN ORDINANCE APPROPRIATING \$2,500 FROM THE DISTRICT 9 NEIGHBORHOOD DEVELOPMENT FUND TO THE LOUISVILLE METRO PARKS DEPARTMENT FOR PAYMENT TO CREATIVE SOLUTIONS FOR FACILITATION OF THE GREEN TRIANGLE DESIGN TEAM, RESIDENT MEETINGS, INPUT FOR VISION STATEMENT AND ONE YEAR ACTION PLAN, WHICH RECEIVED \$5,000 ON MARCH 18, 2010 FROM THE LOUISVILLE METRO COUNCIL APPROPRIATIONS COMMITTEE.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** Tina Ward-Pugh

36- O-71-04-10 AN ORDINANCE APPROPRIATING \$2,500 FROM THE DISTRICT 9 NEIGHBORHOOD DEVELOPMENT FUND THROUGH THE OFFICE OF MANAGEMENT AND BUDGET TO THE HIGHLAND COMMERCE GUILD, INC. FOR GRAFFITI REMOVAL, WHICH ENTITY PREVIOUSLY RECEIVED \$16,790 IN ORDINANCE NO. 201, SERIES 2009.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Appropriations, NDFs and CIFs

**Primary Sponsor:** Tina Ward-Pugh

37- O-82-04-10 AN ORDINANCE APPROPRIATING \$11,000 FROM THE FOLLOWING NEIGHBORHOOD DEVELOPMENT FUNDS, \$5,000 FROM DISTRICTS 12 AND 13 AND \$1,000 FROM DISTRICT 15, TO THE LOUISVILLE METRO PARKS DEPARTMENT FOR EXPENSES RELATED TO THE KENTUCKY DERBY FESTIVAL RAMBLE FOR THE ROSES.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** Vicki Aubrey Welch  
Marianne Butler  
Rick Blackwell

38- O-73-04-10 AN ORDINANCE APPROPRIATING \$11,925.00 FROM DISTRICT NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \$1,404.20 FROM DISTRICT 15; \$1,404.16 EACH FROM DISTRICTS 6, 12, 13, 14, AND 21; \$1,000.00 EACH FROM DISTRICTS 10 AND 25; AND \$500 EACH FROM DISTRICTS 3, 18, AND 26, TO METRO PARKS FOR THE 2010 MOVIES UNDER THE STARS EVENT AT THE IROQUOIS AMPHITHEATER.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** Marianne Butler  
Doug Hawkins  
Jim King  
George Unsel  
Rick Blackwell  
Vicki Aubrey Welch  
Robert Henderson  
Mary C. Woolridge

COUNCILMAN PEDEN: Motion to approve.  
COUNCILMAN DOWNARD: Second.

PRESIDENT OWEN: The consent calendar has been moved and seconded and requires a roll call vote. Please open the voting, Madam Clerk.

**Voting Result: Consent Calendar**

JUDY GREEN: YES  
BARBARA SHANKLIN: YES  
MARY WOOLRIDGE: YES  
DAVID TANDY: YES  
CHERI BRYANT HAMILTON: YES  
GEORGE UNSELD: YES  
KEN FLEMING: YES  
PRESIDENT TOM OWEN: YES  
TINA WARD-PUGH: YES  
JIM KING: YES  
KEVIN KRAMER: YES  
RICK BLACKWELL: YES  
VICKI WELCH: YES  
BOB HENDERSON: YES  
MARIANNE BUTLER: YES

KELLY DOWNARD: YES  
 GLEN STUCKEL: YES  
 JON ACKERSON: YES  
 HAL HEINER: YES  
 STUART BENSON: YES  
 DAN JOHNSON: EXCUSED ABSENCE  
 ROBIN ENGEL: YES  
 JAMES PEDEN: YES  
 MADONNA FLOOD: YES  
 DOUG HAWKINS: YES  
 BRENT ACKERSON: NOT VOTING

CLERK: There are 24 yes votes and two members actually not voting, Councilman Brent Ackerson, Councilman Johnson.

PRESIDENT OWEN: Thank you. **The consent calendar passes.**

**OLD BUSINESS:**

The next item is old business. Madam Clerk, a reading of item 39.

39- [O-72-04-10 AN ORDINANCE APPROPRIATING \(\\$14,500\) \\$15,000 FROM NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \\$5,000 FROM DISTRICT 6; \\$2,500 EACH FROM DISTRICTS 2 AND 12; \\$1,500 FROM DISTRICT 8; \\$1,000 FROM DISTRICT 3; AND \\$500 EACH FROM DISTRICTS 5, 1, 13, 15, AND 16, THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO KENTUCKY SHAKESPEARE FESTIVAL, INC. FOR PROGRAM EXPENSES RELATED TO THE KENTUCKY SHAKESPEARE FESTIVAL'S 50TH ANNIVERSARY SEASON. AS AMENDED.](#)

<b>Status:</b>	On Council Agenda - Old Business
<b>Committee:</b>	Appropriations, NDFs and CIFs
<b>Primary Sponsor:</b>	George Unseld Barbara Shanklin Rick Blackwell Tom Owen Mary C. Woolridge Judy Green Vicki Aubrey Welch Marianne Butler
<b>Additional Sponsor:</b>	Cheri Bryant Hamilton

COUNCILMAN PEDEN: Motion to approve.  
 COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT OWEN: This item has been properly motioned and seconded for approval.

The committee amended ordinance is before us.

Is there any discussion?

Councilman Engel.

COUNCILMAN ENGEL: Thank you, Mr. President this was amended in addition in committee by \$500 by District 5 and it comes before us making the new total of \$15,000 and I would ask for your support.

PRESIDENT OWEN: Any further discussion of this item?

Hearing none, the ordinance requires a roll call vote.

Madam Clerk, please open the voting.

**Voting Result: Item 39**

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

PRESIDENT TOM OWEN: YES

TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JON ACKERSON: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: EXCUSED ABSENCE

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

BRENT ACKERSON: NOT VOTING

CLERK: There are 24 yes votes and two not voting, CM Johnson and CM Brent Ackerson

PRESIDENT OWEN: **The ordinance as amended passes.**

Madam Clerk, a reading of Item 40.

40- [O-76-04-10 AN ORDINANCE CHANGING THE ZONING FROM R-6, MULTI-FAMILY RESIDENTIAL TO OR, OFFICE RESIDENTIAL ON PROPERTY LOCATED AT 4408 & 4410 SOUTH 3RD STREET, CONTAINING 0.1 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 12545\). \(June 4, 2010\)](#)

<b>Status:</b>	On Council Agenda - Old Business
<b>Committee:</b>	Planning/Zoning, Land Design & Development
<b>Primary Sponsor:</b>	Jon Ackerson

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN DOWNARD: Second.

PRESIDENT OWEN: Motion has been made.

And a second -- I heard a second.

This item has been properly moved and seconded.

The ordinance is before us. Is there any discussion? Yes, Mr. Ackerson.

COUNCILMAN JON ACKERSON: Yes, Mr. President, members of the Council.

This is in the Beechmont Neighborhood Association area.

They expressed concerns about this and we addressed them.

It was the feeling of the Planning Commission that the site was a better area if we use as commercial allowing for professional services such as law offices and residential in keeping with the residential character of this neighborhood to be done. With this rezoning there has been landscaping done on the site. It's going from R-6 to OR the residential character of the property although used for OR purposes in this case law offices has been maintained.

The Planning Commission unanimously approved this action as did the planning and zoning committee.

This is in Councilman Dan Johnson's area. He may have additional comments.

PRESIDENT OWEN: Mr. Johnson is not on the floor.

COUNCILMAN JON ACKERSON: I guess he doesn't have additional comments.

I would move adoption.

PRESIDENT OWEN: Any further discussion? Motion has been made to adopt.

The ordinance requires we already have it before us.

It's been moved and seconded.

The ordinance requires a roll call vote.

Madam Clerk Please open the voting

**Voting result: Item 40**

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

PRESIDENT TOM OWEN: YES

TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JON ACKERSON: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: EXCUSED ABSENCE

ROBIN ENGEL: YES

JAMES PEDEN: YES  
 MADONNA FLOOD: YES  
 DOUG HAWKINS: YES  
 BRENT ACKERSON: YES

CLERK: There are 25 yes and one member not voting.

PRESIDENT OWEN: **The ordinance passes.**

Madam Clerk, a reading of Item 41.

41- [O-78-04-10 AN ORDINANCE CHANGING THE ZONING FROM R-7, MULTI-FAMILY RESIDENTIAL TO C-2, COMMERCIAL ON PROPERTY LOCATED AT 1565, 1567, 1569 & 1575 STORY AVENUE, CONTAINING 0.89 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 12978\). \(June 18, 2010\)](#)

<b>Status:</b>	On Council Agenda - Old Business
<b>Committee:</b>	Planning/Zoning, Land Design & Development
<b>Primary Sponsor:</b>	Jon Ackerson

COUNCILMAN DOWNARD: Motion to approve.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT OWEN: Motion and a second.

And it's properly moved and seconded.

The ordinance is before us. Any discussion? Councilman Jon Ackerson.

COUNCILMAN JON ACKERSON: Yes ,this matter came before the planning and Zoning Commission. The current and proposed use on this historic structure includes a bowling alley reception halls and for various events and live entertainment venues and a residential dwellings on the upper floor. This is the current use of the property as it now stands so we are making the zoning to conform to what is in fact occurring on the property.

There was concern of residents about noise and that has been addressed in one of the binding elements. Again, this was unanimously approved by the Planning Commission as well as the planning and zoning committee. It's in Tina Ward-Pugh's district and she may have additional comments assuming she's here this evening.

PRESIDENT OWEN: Councilwoman are you here?

COUNCILWOMAN WARD-PUGH: I am, colleagues.

This is exactly what Councilman Jon Ackerson told you about.

We did work effectively with the Planning Commission and the residents.

It's Vernon Lanes if you know where Vernon lanes is there on Story Avenue in order for them to have an outdoor enclosed smoking area. So I am asking for your support for this tonight.

PRESIDENT OWEN: Thank you, any other discussion.

Hearing none the ordinance requires a roll call vote, Madam Clerk, please open the voting.



**Voting result: Item 41**

JUDY GREEN: YES  
 BARBARA SHANKLIN: YES  
 MARY WOOLRIDGE: YES  
 DAVID TANDY: YES  
 CHERI BRYANT HAMILTON: YES  
 GEORGE UNSELD: YES  
 KEN FLEMING: YES  
 PRESIDENT TOM OWEN: YES  
 TINA WARD-PUGH: YES  
 JIM KING: YES  
 KEVIN KRAMER: YES  
 RICK BLACKWELL: YES  
 VICKI WELCH: YES  
 BOB HENDERSON: YES  
 MARIANNE BUTLER: YES  
 KELLY DOWNARD: YES  
 GLEN STUCKEL: YES  
 JON ACKERSON: YES  
 HAL HEINER: YES  
 STUART BENSON: YES  
 DAN JOHNSON: EXCUSED ABSENCE  
 ROBIN ENGEL: YES  
 JAMES PEDEN: YES  
 MADONNA FLOOD: YES  
 DOUG HAWKINS: YES  
 BRENT ACKERSON: YES

CLERK: There are 25 yes votes and one member not voting.

PRESIDENT OWEN: **The ordinance passes.**

Madam Clerk, a reading of Item 42.

PRESIDENT OWEN: Thank you, Madam Clerk.

42- [O-79-04-10 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO CM, COMMERCIAL MANUFACTURING AND M-3, INDUSTRIAL ON PROPERTY LOCATED AT 11661, 11671 & 11681 BLANKENBAKER ACCESS DRIVE, CONTAINING A TOTAL OF 2.8 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 12369\). \(June 18, 2010\)](#)

<b>Status:</b>	On Council Agenda - Old Business
<b>Committee:</b>	Planning/Zoning, Land Design & Development
<b>Primary Sponsor:</b>	Jon Ackerson

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN DOWNARD: Second.

PRESIDENT OWEN: Properly moved and seconded.

The item is before us. Any discussion? Councilman Jon Ackerson.

COUNCILMAN JON ACKERSON: Yes, again this matter came through the planning and zoning committee. It involved a track of land going from R-4 to MC on track 1 and from R-4 to MC on track 2 and

the third track going to M-3. This property is made up to be proposed to be consolidated and re-divided into two tracks, the parcels gain their access from a frontage road that leads off of Blankenbaker Parkway and fronts upon the original Property that was involved in the Kentucky Department of Transportation. The property is elevated such it's not visible from Blankenbaker Parkway and it was the feeling of the committee that this was a proper zoning for this type of property. It was unanimously approved by the Planning Commission as well as the Metro Council.

This is in Councilman Benson's district and I think he has an amendment to offer to us on this ordinance. We yield to Councilman Benson.

PRESIDENT OWEN: Mr. Benson.

COUNCILMAN BENSON: Thank you, Mr. President Councilman Jon Ackerson.

It's brought to my attention tonight that M-3, Councilman Heiner mentioned M-3 is also for adult entertainment and I know the applicant would not be considered that this would be feasible.

But we contacted them and asked them if we could put up a binding element to exclude adult entertainment. So we have passed the amendment out to each Council person.

I hope each one of them has this. It's amendment No. 23.

And --

PRESIDENT OWEN: Binding element.

COUNCILMAN BENSON: Binding element No. 23. I would like to read it into the record. *No adult entertainment activities or establishment as that term may be defined by the zoning regulations or by Chapter 111 of the Louisville Metro Code of Ordinances as those terms may be amended from time to time shall be permitted on any portion of the development site.* So I would like to make this a motion.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT OWEN: Motion has been made and seconded to amend this item.

Any further discussion? Councilman Heiner.

COUNCILMAN HEINER: Just for the record we would be interested if -- advice from our County attorney if the applicants attorney agreed to this binding element.

PRESIDENT OWEN: Mr. O'Brien would you like to comment on that. If you would identify yourself.

WILLIAM O'BRIEN: William O'Brien, Assistant Jefferson County Attorney, to answer the question I can only give hearsay testimony. The hearsay testimony in the route that it came to me is as follows:

Ms. Teresa Senninger, from our office, brought me to the proposed changes and had indicated she had discussed directly with Mr. Whitty who had discussed with his client so now you have a four-way hearsay but I do believe based on what Ms. Senninger told me that it's been approved.

PRESIDENT OWEN: Any further discussion on the floor amendment? Yes, Mr. Benson.

COUNCILMAN BENSON: Mr. President, we were thinking about taking this back and tabling it and bringing it but as the attorney -- they had no problem and they would rather have it be passed tonight versus waiting two weeks. So that's why we're doing the amendment now.

PRESIDENT OWEN: Any further comments or questions on the floor amendment?

Calls for a voice vote.

All those in favor signify by saying aye.

ALL PRESENT: AYE

PRESIDENT OWEN: Opposed.

There are none.

**The floor amendment passes.**

Any further discussion on this item? Hearing none, the ordinance requires a voice vote, Madam Clerk please open the voting.

**Voting result: Item 42**

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

PRESIDENT TOM OWEN: YES

TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JON ACKERSON: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: EXCUSED ABSENCE

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

BRENT ACKERSON: YES

CLERK: There are 25 yes votes and one not voting, CM Johnson.

PRESIDENT OWEN: **The ordinance as amended passes.**

Madam Clerk, a reading of Item 43.

43- [O-80-04-10 AN ORDINANCE CHANGING THE ZONING FROM M-2, INDUSTRIAL TO R-5, SINGLE-FAMILY RESIDENTIAL ON PROPERTIES ADDRESSED ON LILLIAN WAY, MARYTENA WAY AND LORA DRIVE, CONTAINING A TOTAL OF 47 PROPERTIES LOCATED IN THE PREWITT ACRES SUBDIVISION, AND BEING IN LOUISVILLE METRO \(CASE NO. 13663\). \(June 18, 2010\)](#)

**Status:** On Council Agenda - Old Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Jon Ackerson

COUNCILMAN DOWNARD: Motion to approve.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT OWEN: It's properly moved and seconded. Is there any discussion, Councilman Ackerson?  
 Councilman Jon Ackerson you have a busy night tonight.

COUNCILMAN JON ACKERSON: Yes, Mr. President, members of the Council, this involves a down zoning from M-2 to a more appropriate use which would be R-5 single family.

The reason for that is this area is already developed.

And there's a church in there, there's a school surrounding.

There are single family homes and for someone to come in and under the M-2 zoning put in that type of use in this setting would be inappropriate. And so the Planning Commission unanimously approved the down zoning of this property as did the planning and zoning committee.

This is in Councilwoman Vicki Welch's District she may have some additional comments on this matter.

PRESIDENT OWEN: Councilwoman Welch.

COUNCILWOMAN WELCH: Thank you Mr. President.

Yes and this came about because one of the residents in the 47 homes wanted to build a garage and wasn't able to do so under the M-3 zoning. That it was I believe and they could have built a big warehouse but they couldn't build a garage.

This is the most proper zoning that it should be for that residential area and the residents are pleased with that there was to opposition. My office hasn't heard any opposition. And I am asking for a yes vote.

Thank you very much.

PRESIDENT OWEN: Thank you, any further discussions?

Hearing none, this ordinance requires a roll call vote.

Madam Clerk, please open the voting.

**Voting Result: Item 43**

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

PRESIDENT TOM OWEN: YES

TINA WARD-PUGH: YES  
 JIM KING: YES  
 KEVIN KRAMER: YES  
 RICK BLACKWELL: YES  
 VICKI WELCH: YES  
 BOB HENDERSON: YES  
 MARIANNE BUTLER: YES  
 KELLY DOWNARD: YES  
 GLEN STUCKEL: YES  
 JON ACKERSON: YES  
 HAL HEINER: YES  
 STUART BENSON: YES  
 DAN JOHNSON: EXCUSED ABSENCE  
 ROBIN ENGEL: YES  
 JAMES PEDEN: YES  
 MADONNA FLOOD: YES  
 DOUG HAWKINS: YES  
 BRENT ACKERSON: YES

CLERK: There are 25 yes votes and one member not voting, CM Johnson .

PRESIDENT OWEN: **And the item passes.**

Madam Clerk a reading of Item 44.

44- [R-103-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – \(SPALDING UNIVERSITY - \\$43,282.00\).](#)

<b>Status:</b>	On Council Agenda - Old Business
<b>Committee:</b>	Contracts and Appointments
<b>Primary Sponsor:</b>	David Tandy

COUNCILMAN DOWNARD: Motion to approve.

COUNCILMAN PEDEN: Second.

PRESIDENT OWEN: Motion has been made and seconded.

The item is properly before us. The resolution is before us. Is there any discussion, Mr. Benson?

COUNCILMAN BENSON: Thank you, Mr. President I'm awake today.

We put this on old business because of Councilwoman Welch's need to speak to this.

COUNCILWOMAN WELCH: Spalding -- excuse me.

PRESIDENT OWEN: Oh, it is not Councilwoman Welch.

COUNCILWOMAN BUTLER: No it is Councilwoman Welch. This is actually a grant be from Passport Health to Spalding.

COUNCILWOMAN WELCH: I see what you mean but I no longer work for Passport Health Plans so

there should be no conflict. People may think that. Because I did work there up until December but I no longer work there.

PRESIDENT OWEN: So you do not need to abstain.

COUNCILWOMAN WELCH: There is no conflict.

PRESIDENT OWEN: Any further discussion on this item?

COUNCILWOMAN WELCH: Thank you.

PRESIDENT OWEN: In that case it is a resolution and calls for a voice vote. All those in favor signify by saying aye.

ALL PRESENT: AYE

PRESIDENT OWEN: Opposed?

None.

The ayes have it.

**The resolution passes.**

Madam Clerk, a reading of Item 45.

45- R-104-04-10 A RESOLUTION OF THE LOUISVILLE/JEFFERSON COUNTY METRO COUNCIL APPROVING THE APPLICATION OF LAS PALMAS HEADQUARTERS, LLC FOR INDUSTRIAL BUILDING REVENUE BOND FINANCING OF AN INDUSTRIAL BUILDING PROJECT; UNDERTAKING THE ISSUANCE OF INDUSTRIAL BUILDING REVENUE BONDS TO FINANCE THE PROJECT; AND TAKING OTHER PRELIMINARY ACTION

<b>Status:</b>	On Council Agenda - Old Business
<b>Committee:</b>	Budget
<b>Primary Sponsor:</b>	Stuart Benson

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN PEDEN: Second.

PRESIDENT OWEN: The item has been properly motioned and seconded.

Is there any discussion, CM King?

COUNCILMAN KING: Yes it was heard in my budget committee and I asked this to be sent to old business because I have a business relationship with the principles involved in this transaction and I will be abstaining.

PRESIDENT OWEN: You'll be abstaining.

Councilman Heiner, I saw some indication in my notes that you needed to abstain?

You do not need to abstain.

All right. Excuse me. Any further discussion?

Hearing none, this is a resolution which normally calls for a voice vote but because of Mr. King's abstention, we will use the roll call.

Madam Clerk, please open the voting.

**Voting Result – Item 45**

JUDY GREEN: YES  
 BARBARA SHANKLIN: YES  
 MARY WOOLRIDGE: YES  
 DAVID TANDY: YES  
 CHERI BRYANT HAMILTON: YES  
 GEORGE UNSELD: YES  
 KEN FLEMING: YES  
 PRESIDENT TOM OWEN: YES  
 TINA WARD-PUGH: YES  
 JIM KING: ABSTAIN  
 KEVIN KRAMER: YES  
 RICK BLACKWELL: YES  
 VICKI WELCH: YES  
 BOB HENDERSON: YES  
 MARIANNE BUTLER: YES  
 KELLY DOWNARD: YES  
 GLEN STUCKEL: YES  
 JON ACKERSON: YES  
 HAL HEINER: NOT VOTING  
 STUART BENSON: YES  
 DAN JOHNSON: EXCUSED ABSENCE  
 ROBIN ENGEL: YES  
 JAMES PEDEN: YES  
 MADONNA FLOOD: YES  
 DOUG HAWKINS: YES  
 BRENT ACKERSON: YES

PRESIDENT OWEN; Councilman Heiner, will you be voting or are you attempting to vote.

COUNCILMAN HEINER: Just not voting on this one, thank you.

PRESIDENT OWEN: You're not voting, okay.

COUNCIL CLERK: There are 23 yes votes. One abstention from Councilman King and two not voting, CM Johnson and CM Heiner.

PRESIDENT OWEN: **The resolution passes with Mr. King's abstention.** Madam Clerk a reading of Item 46.

46- [O-224-12-09 A ORDINANCE REPEALING § 91.022 AND AMENDING § 91.101 OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES RELATING TO ANIMAL WELFARE AND CONTROL. \(AS AMENDED\)](#)

<b>Status:</b>	On Council Agenda - Old Business
<b>Committee:</b>	Public Safety
<b>Primary Sponsor:</b>	Cheri Bryant Hamilton
<b>Additional Sponsor:</b>	Kelly Downard

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN DOWNARD: Second.

PRESIDENT OWEN: This item has been properly moved and seconded. The committee amended ordinance is before us. Is there any discussion? Councilman Kramer.

COUNCILMAN KRAMER: Thank you, Mr. President.

This is an ordinance that came to the Public Safety committee to amend the animal welfare ordinance and after it came to us it was amended yet again in committee so I'm going to turn the floor over to Councilwoman Bryant Hamilton who wants to share with you what those amendments would do.

COUNCILWOMAN HAMILTON: Thank you Mr. President. Councilman Downard and I worked several months with the County Attorney to amend what needed to be amended after the court ruled.

So in Section 1 of this ordinance, 91.022 is repealed entirely and I believe it had to do with spaying and neutering of recovered animals so there wouldn't be a double standard there.

And then in Section 2, it is hereby amended it's dealing with the confiscation of victimized animals only so we had to change the language from the animals being seized to being confiscated or from confiscated to being seized so that the animal has not been forfeited to Metro Government and pending the court action there was a change here because if we had not changed, there was a possibility that animals could have been euthanized.

So we had to clarify that -- even though -- they could have been destroyed before the court case had been exonerated. So this says animals taken in connection with a cruelty charge won't be destroyed except upon the advice of a qualified veterinarian for humanitarian reasons while the court proceedings were concluded. And I believe that was an important section and in Section 2 final dismissal of the charge against the owner within 30 days of fine being posted the owner shall be refunded any daily fee for the days the animal was not actually held by MAS.

And then upon final dismissal, the owner has 45 days to reclaim the animal or it is forfeited to Metro Animal Services.

And also Councilman Downard was pretty insistent upon changing the total booking fee or boarding fee rather from \$450 monthly to \$450 annually or you know total. So that there wouldn't be a 15% charge that month. It would be per animal -- for holding the animals.

And Councilman Downard may have some other notations on other things that were changed.

That I see are -- our County attorney is also here.

COUNCILMAN DOWNARD: I think before there was a \$450 a month charge and in the case it would go to court and maybe take four, five, six months you would have a person who couldn't afford to pay \$2600 even if they would win. So we dropped it to \$450 total so then 15% back for our fees this is the only section where it was charged 15% interest per month. Which is 180% per year.

So we just put it back to 15% annually and it was easy enough.

COUNCILWOMAN HAMILTON: If the person is financially unable to pay they can appeal to the MAS director for waiver or abatement of his fees.



PRESIDENT OWEN: Thank you, Councilwoman Hamilton and Councilman Downard for your explanation of the committee amendments of this ordinance. Any further discussion?

Mr. Brent Ackerson is noted that he would like to speak.

COUNCILMAN BRENT ACKERSON: Thank you Mr. President.

My question I guess would be directed to the committee chair.

Was there any testimony regarding the reduction of fees from \$450 a month to \$450 annually. How that affects the cost to the city?

My concern is the economic state the city is in are we putting ourselves in a position where we are losing money to potentially look at the outside possibility that someone couldn't afford to defend themselves.

PRESIDENT OWEN: Councilman Downard you indicated -- would you like to respond.

COUNCILMAN DOWNARD: Councilwoman Hamilton and I had several discussions with the County Attorney's office but also we met with the director of animal services and apparently this wasn't utilized very often so we went to the side of trying to protect someone who maybe couldn't afford to spend all of this amount of money.

As against to whether it's going to cost the city money because it happens very seldom and if we did lose some money on one or two, that would really be a rarity.

You have to understand, this was a difficult thing because we're dealing with cruelty to animals section. So we're dealing with probably in many cases a victimized animal, someone who inflicted cruelty on them. And it makes it even more rare that they might ever win. But they could. And we just sided with the fact that we tried to make sure somebody who couldn't afford it wouldn't get charged an enormous amount of money.

PRESIDENT OWEN: Mr. Peden you wish to speak.

COUNCILMAN PEDEN: Councilman Downard covered it right there at the very end. This is strictly when the animal is being abused. This is not something where we're confiscating someone's animal because of a neighborhood complaint because I would say if we're getting involved where your neighbor complains we confiscate your dog then we'll charge you \$450 and ultimately you're found not guilty of barking or whatever simple thing it is.

PRESIDENT OWEN: Thank you, Councilman Fleming wanted to comment but Councilman Downard it's your response germane to Councilman Peden's comment.

COUNCILMAN DOWNARD: This section only applies to a charge of cruelty to the animal. Not any other kind of complaints.

PRESIDENT OWEN: Anybody else?

Any further discussion on this committee amended version?

If there is no further discussion, then this item -- this ordinance calls for a roll call vote.

Madam Clerk, if you will open the voting.

**Voting Result – Item 46**

JUDY GREEN: YES  
 BARBARA SHANKLIN: YES  
 MARY WOOLRIDGE: YES  
 DAVID TANDY: YES  
 CHERI BRYANT HAMILTON: YES  
 GEORGE UNSELD: YES  
 KEN FLEMING: YES  
 PRESIDENT TOM OWEN: YES  
 TINA WARD-PUGH: YES  
 JIM KING: YES  
 KEVIN KRAMER: YES  
 RICK BLACKWELL: YES  
 VICKI WELCH: YES  
 BOB HENDERSON: YES  
 MARIANNE BUTLER: YES  
 KELLY DOWNARD: YES  
 GLEN STUCKEL: YES  
 JON ACKERSON: YES  
 HAL HEINER: YES  
 STUART BENSON: YES  
 DAN JOHNSON: EXCUSED ABSENCE  
 ROBIN ENGEL: YES  
 JAMES PEDEN: YES  
 MADONNA FLOOD: YES  
 DOUG HAWKINS: YES  
 BRENT ACKERSON: YES

CLERK: There are 25 yes votes and one member not voting.

PRESIDENT OWEN: **The ordinance as amended passes.**

**NEW BUSINESS:**

PRESIDENT OWEN: The next item of business is new business. Colleagues, if you leave, if you choose to leave the chamber, if you would be as quiet as possible so that the first reading of these items can be heard. Thank you.

New business comprises item 47 through 65. Madam Clerk, a reading of those items and their assignment to committee.

[47 O-85-04-10 AN ORDINANCE AMENDING ORDINANCE NO. 90, SERIES 2009 AND ORDINANCE NO. 91, SERIES 2009 RELATING TO THE FISCAL YEAR 2009-10 CAPITAL AND OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \\$25,000 FROM THE DISTRICT 21 CAPITAL INFRASTRUCTURE FUND TO THE DISTRICT 21 NEIGHBORHOOD DEVELOPMENT FUND.](#)

**Status:**

On Council Agenda - New Business

**Committee:** Budget  
**Primary Sponsor:** Dan Johnson

48- O-86-04-10 AN ORDINANCE APPROPRIATING \$7,000 FROM THE DISTRICT 8 NEIGHBORHOOD DEVELOPMENT FUNDS TO THE LOUISVILLE METRO POLICE DEPARTMENT (LMPD) TO FUND EXPENSES FOR BIKE AND FOOT PATROLS DURING THE SPRING/SUMMER MONTHS ON THE BARDSTOWN/BAXTER CORRIDOR AND ASSOCIATED ALLEYS IN THE 5TH DIVISION OF LMPD

**Status:** On Council Agenda - New Business  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** Tom Owen

49- O-89-04-10 AN ORDINANCE APPROPRIATING \$15,000 FROM THE DISTRICT 7 NEIGHBORHOOD DEVELOPMENT FUND TO LOUISVILLE METRO PUBLIC WORKS FOR THE BROWNSBORO ROAD TRAFFIC SAFETY IMPROVEMENT PROJECT.

**Status:** On Council Agenda - New Business  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** Kenneth C. Fleming

50- O-88-04-10 AN ORDINANCE APPROPRIATING A TOTAL OF \$22,581 FROM NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: \$17,081 FROM DISTRICT 22; \$1,000 EACH FROM DISTRICTS 8, 9, 12, 16, AND 20; \$500 FROM DISTRICT 25, THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE YMCA OF GREATER LOUISVILLE TO ASSIST IN FINANCING THE COSTS OF PUTTING ON THE 2ND "SECOND SUNDAY," A STATEWIDE HEALTH INITIATIVE, ON SUNDAY, OCTOBER 10, 2010, IN METRO LOUISVILLE.

**Status:** On Council Agenda - New Business  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** Robin Engel  
Tom Owen  
Tina Ward-Pugh  
Rick Blackwell  
Kelly Downard  
Stuart Benson

51- O-84-04-10 AN ORDINANCE AMENDING ORDINANCE NO. 90, SERIES 2009 AND ORDINANCE NO. 91, SERIES 2009 RELATING TO THE FISCAL YEAR 2009-10 CAPITAL AND OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \$40,000 FROM THE DISTRICT 1 CAPITAL INFRASTRUCTURE FUND TO THE DISTRICT 1 NEIGHBORHOOD DEVELOPMENT FUND.

**Status:** On Council Agenda - New Business  
**Committee:** Budget  
**Primary Sponsor:** Judy Green

52- O-91-04-10 AN ORDINANCE AMENDING ORDINANCE NO. 90, SERIES 2009, ORDINANCE NO. 111, SERIES 2008 AND ORDINANCE NO. 91, SERIES 2009, RELATING TO THE CAPITAL BUDGET FOR FISCAL YEAR 2009-10, THE CAPITAL BUDGET FOR FISCAL YEAR 2008-2009, AND THE OPERATING BUDGET FOR FISCAL YEAR 2009-2010 FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT TO TRANSFER \$14,600 OF FEDERAL FUNDS RELATING TO THE SENIOR MEDICARE PATROL PROGRAM FROM HOUSING & FAMILY SERVICES TO PUBLIC HEALTH & WELLNESS, TO TRANSFER \$600,000 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS BETWEEN CAPITAL PROJECTS, AND TO TRANSFER \$360,000 OF CAPITAL CUMULATIVE RESERVE FUND TO THE GENERAL FUND AS AN OPERATING MATCH IN ECONOMIC

DEVELOPMENT RELATED TO THE WORKFORCE DEVELOPMENT GRANT AUTHORIZED UNDER RESOLUTION NO. 69, SERIES 2010.

**Status:** On Council Agenda - New Business  
**Committee:** Budget  
**Primary Sponsor:** Judy Green

53- O-83-04-10 AN ORDINANCE AUTHORIZING FUND-TO-FUND TRANSFERS RELATED TO ORDINANCE NO. 90, SERIES 2009 AND ORDINANCE NO. 194, SERIES 2009 AND RELATED TO THE ACCURATE REFLECTION OF FUNDS RECEIVED BY METRO LOUISVILLE FOR THE USE OF ITS PROPERTY.

**Status:** On Council Agenda - New Business  
**Committee:** Budget  
**Primary Sponsor:** Jim King

54- R-107-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – (BEN JOHNSON - \$31,700.00).

**Status:** On Council Agenda - New Business  
**Committee:** Contracts and Appointments  
**Primary Sponsor:** Judy Green  
**Additional Sponsor:** Cheri Bryant Hamilton

55- R-110-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT ECONOMIC DEVELOPMENT DEPARTMENT – PRESNELL ASSOCIATES, INC. D/B/A QK4 - \$100,000.00.

**Status:** On Council Agenda - New Business  
**Committee:** Contracts and Appointments  
**Primary Sponsor:** Marianne Butler

56- R-108-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – GRESHAM SMITH & PARTNERS - \$100,000.00.

**Status:** On Council Agenda - New Business  
**Committee:** Contracts and Appointments  
**Primary Sponsor:** Marianne Butler

57- R-109-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – JOHN L. CARMAN AND ASSOCIATES, INC. D/B/A CARMAN - \$100,000.00.

**Status:** On Council Agenda - New Business  
**Committee:** Contracts and Appointments  
**Primary Sponsor:** Marianne Butler

58- R-111-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING

NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (MICHAEL LYNN WARDFORD - \$60,000.00).

**Status:** On Council Agenda - New Business  
**Committee:** Contracts and Appointments  
**Primary Sponsor:** Vicki Aubrey Welch

59- R-112-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT ECONOMIC DEVELOPMENT DEPARTMENT – M2D DESIGN GROUP, PLLC - \$100,000.00.

**Status:** On Council Agenda - New Business  
**Committee:** Contracts and Appointments  
**Primary Sponsor:** Madonna Flood

60- R-113-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED AMENDMENT TO SOLE SOURCE CONTRACT – (EXPLORER SYSTEMS, INC. - \$18,500.00 FOR A NEW NOT-TO-EXCEED AMOUNT OF \$110,320.00).

**Status:** On Council Agenda - New Business  
**Committee:** Contracts and Appointments  
**Primary Sponsor:** Judy Green

61- O-87-04-10 AN ORDINANCE CORRECTING THE LEGAL DESCRIPTION REFERENCED IN ORDINANCE 67, SERIES 2010, REGARDING PLANNING COMMISSION CASE NUMBER 12868.

**Status:** On Council Agenda - New Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Jon Ackerson

62- O-90-04-10 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO R-7, MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 2036 BUECHEL BANK ROAD, CONTAINING 4.6 ACRES, OF WHICH 0.89 ACRES ARE PROPOSED TO BE REZONED, AND BEING IN LOUISVILLE METRO (CASE NO. 13332).

**Status:** On Council Agenda - New Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Jon Ackerson

63- R-114-04-10 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A \$11,869.00 GRANT FROM THE COMMONWEALTH OF KENTUCKY FOR A PROJECT HIV PREVENTION EDUCATION.

**Status:** On Council Agenda - New Business  
**Committee:** Health & Human Needs  
**Primary Sponsor:** Judy Green

64- R-115-04-10 A RESOLUTION HONORING THE LIFE AND LEGACY OF DOROTHY IRENE HEIGHT, NATIONAL CIVIL RIGHTS LEADER

**Status:** On Council Agenda - New Business  
**Committee:** Community Affairs  
**Primary Sponsor:** Cheri Bryant Hamilton  
 Mary C. Woolridge

Judy Green

65- [R-116-04-10 A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION SUIT AGAINST THE OWNER OF CERTAIN PROPERTY IN JEFFERSON COUNTY IN CONNECTION WITH THE HARRODS CREEK BRIDGE PROJECT ON RIVER ROAD \(PARCEL NO. 14\).](#)

<b>Status:</b>	On Council Agenda - New Business
<b>Committee:</b>	Labor & Economic Development
<b>Primary Sponsor:</b>	Kelly Downard

**ADJOURNMENT:**

PRESIDENT OWEN: Thank you. Before we have a motion to adjourn the meeting, I would ask those council members that wish to make announcements to remain in the chamber and request to speak on your system. Do I hear a motion to adjourn?

COUNCILWOMAN HAMILTON: Motion to adjourn.

COUNCILWOMAN GREEN: Second.

PRESIDENT OWEN: Without objection, we are adjourned  
There being no further business, the **Regular April 27, 2010** Metro Council meeting adjourned without objection at 5:17 PM EDT.

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Kathleen J. Herron, Metro Council Clerk

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Thomas L. Owen, Metro Council President

ANNOUNCEMENTS: CM Stuckel, CW Hamilton and President Owen made announcements.
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